

1 AMENDMENT TO HOUSE BILL 4873

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4873 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Sections 4.13 and 4.17 as follows:

6 (5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)  
7 Sec. 4.13. Acts repealed on December 31, 2002. The  
8 following Acts are repealed on December 31, 2002:

- 9 ~~The Environmental Health Practitioner Licensing Act.~~
- 10 The Naprapathic Practice Act.
- 11 The Wholesale Drug Distribution Licensing Act.
- 12 The Dietetic and Nutrition Services Practice Act.
- 13 The Funeral Directors and Embalmers Licensing Code.
- 14 The Professional Counselor and Clinical Professional
- 15 Counselor Licensing Act.

16 (Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

17 (5 ILCS 80/4.17)  
18 Sec. 4.17. Acts repealed on January 1, 2007. The  
19 following are repealed on January 1, 2007:

- 20 The Boiler and Pressure Vessel Repairer Regulation
- 21 Act.

1           The Structural Pest Control Act.  
 2           Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB,  
 3           VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois  
 4           Insurance Code.

5           The Clinical Psychologist Licensing Act.

6           The Illinois Optometric Practice Act of 1987.

7           The Medical Practice Act of 1987.

8           The Environmental Health Practitioner Licensing Act.

9           (Source: P.A. 89-467, eff. 1-1-97; 89-484, eff. 6-21-96;  
 10          89-594, eff. 8-1-96; 89-702, eff. 7-1-97.)

11          Section 10. The Environmental Health Practitioner  
 12          Licensing Act is amended by changing Sections 15, 26, and 35  
 13          and adding Section 56 as follows:

14          (225 ILCS 37/15)

15          (Section scheduled to be repealed on December 31, 2002)

16          Sec. 15. License requirement.

17          (a) It shall be unlawful for any person to engage in an  
 18          environmental health practice after the effective date of  
 19          this amendatory Act of the 92nd General Assembly December-31,  
 20          1996 unless the person is licensed by the Department as an  
 21          environmental health practitioner or an environmental health  
 22          practitioner in training.

23          (b) It is the responsibility of an individual required  
 24          to be licensed under this Act to obtain a license and to pay  
 25          all necessary fees, not the responsibility of his or her  
 26          employer.

27          (Source: P.A. 89-61, eff. 6-30-95.)

28          (225 ILCS 37/26)

29          (Section scheduled to be repealed on December 31, 2002)

30          Sec. 26. Examination for registration as an  
 31          environmental health practitioner.

1 (a) Beginning June 30, 1995, only persons who meet the  
2 educational and experience requirements of Section 20 and who  
3 pass the examination authorized by the Department shall be  
4 licensed. ~~Persons--who--meet--the--requirements--of--subsection~~  
5 ~~(b)--of--Section--21--or--Section--30--shall--not--be--required--to--take~~  
6 ~~and--pass--the--examination.~~

7 (b) Applicants for examination as environmental health  
8 practitioners shall be required to pay, either to the  
9 Department or the designated testing service, a fee covering  
10 the cost of providing the examination.

11 (Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97;  
12 90-14, eff. 7-1-97.)

13 (225 ILCS 37/35)

14 (Section scheduled to be repealed on December 31, 2002)

15 Sec. 35. Grounds for discipline.

16 (a) The Department may refuse to issue or renew, or may  
17 revoke, suspend, place on probation, reprimand, or take other  
18 disciplinary action with regard to any license issued under  
19 this Act as the Department may consider proper, including the  
20 imposition of fines not to exceed \$5,000 for each violation,  
21 for any one or combination of the following causes:

22 (1) Material misstatement in furnishing information  
23 to the Department.

24 (2) Violations of this Act or its rules.

25 (3) Conviction of any felony under the laws of any  
26 U.S. jurisdiction, any misdemeanor an essential element  
27 of which is dishonesty, or any crime that is directly  
28 related to the practice of the profession.

29 (4) Making any misrepresentation for the purpose of  
30 obtaining a certificate of registration.

31 (5) Professional incompetence.

32 (6) Aiding or assisting another person in violating  
33 any provision of this Act or its rules.

1           (7) Failing to provide information within 60 days  
2 in response to a written request made by the Department.

3           (8) Engaging in dishonorable, unethical, or  
4 unprofessional conduct of a character likely to deceive,  
5 defraud, or harm the public as defined by rules of the  
6 Department.

7           (9) Habitual or excessive use or addiction to  
8 alcohol, narcotics, stimulants, or any other chemical  
9 agent or drug that results in an environmental health  
10 practitioner's inability to practice with reasonable  
11 judgment, skill, or safety.

12           (10) Discipline by another U.S. jurisdiction or  
13 foreign nation, if at least one of the grounds for a  
14 discipline is the same or substantially equivalent to  
15 those set forth in this Act.

16           (11) A finding by the Department that the  
17 registrant, after having his or her license placed on  
18 probationary status, has violated the terms of probation.

19           (12) Willfully making or filing false records or  
20 reports in his or her practice, including, but not  
21 limited to, false records filed with State agencies or  
22 departments.

23           (13) Physical illness, including, but not limited  
24 to, deterioration through the aging process or loss of  
25 motor skills that result in the inability to practice the  
26 profession with reasonable judgment, skill, or safety.

27           (14) Failure to comply with rules promulgated by  
28 the Illinois Department of Public Health or other State  
29 agencies related to the practice of environmental health.

30           (15) The Department shall deny any application for  
31 a license or renewal of a license under this Act, without  
32 hearing, to a person who has defaulted on an educational  
33 loan guaranteed by the Illinois Student Assistance  
34 Commission; however, the Department may issue a license

1 or renewal of a license if the person in default has  
2 established a satisfactory repayment record as determined  
3 by the Illinois Student Assistance Commission.

4 (16) Solicitation of professional services by using  
5 false or misleading advertising.

6 (17) A finding that the license has been applied  
7 for or obtained by fraudulent means.

8 (18) Practicing or attempting to practice under a  
9 name other than the full name as shown on the license or  
10 any other legally authorized name.

11 (19) Gross overcharging for professional services  
12 including filing statements for collection of fees or  
13 moneys for which services are not rendered.

14 (b) The Department may refuse to issue or may suspend  
15 the license of any person who fails to (i) file a return,  
16 (ii) pay the tax, penalty, or interest shown in a filed  
17 return; or (iii) pay any final assessment of the tax,  
18 penalty, or interest as required by any tax Act administered  
19 by the Illinois Department of Revenue until the requirements  
20 of the tax Act are satisfied.

21 (c) The determination by a circuit court that a licensee  
22 is subject to involuntary admission or judicial admission to  
23 a mental health facility as provided in the Mental Health and  
24 Developmental Disabilities Code operates as an automatic  
25 suspension. The suspension may end only upon a finding by a  
26 court that the licensee is no longer subject to involuntary  
27 admission or judicial admission, the issuance of an order so  
28 finding and discharging the patient, and the recommendation  
29 of the Board to the Director that the licensee be allowed to  
30 resume practice.

31 (d) In enforcing this Section, the Department, upon a  
32 showing of a possible violation, may compel any person  
33 licensed to practice under this Act or who has applied for  
34 licensure or certification pursuant to this Act to submit to

1 a mental or physical examination, or both, as required by and  
2 at the expense of the Department. The examining physicians  
3 shall be those specifically designated by the Department. The  
4 Department may order the examining physician to present  
5 testimony concerning this mental or physical examination of  
6 the licensee or applicant. No information shall be excluded  
7 by reason of any common law or statutory privilege relating  
8 to communications between the licensee or applicant and the  
9 examining physician. The person to be examined may have, at  
10 his or her own expense, another physician of his or her  
11 choice present during all aspects of the examination. Failure  
12 of any person to submit to a mental or physical examination,  
13 when directed, shall be grounds for suspension of a license  
14 until the person submits to the examination if the Department  
15 finds, after notice and hearing, that the refusal to submit  
16 to the examination was without reasonable cause.

17 If the Department finds an individual unable to practice  
18 because of the reasons set forth in this Section, the  
19 Department may require that individual to submit to care,  
20 counseling, or treatment by physicians approved or designated  
21 by the Department, as a condition, term, or restriction for  
22 continued, reinstated, or renewed licensure to practice or,  
23 in lieu of care, counseling, or treatment, the Department may  
24 file a complaint to immediately suspend, revoke, or otherwise  
25 discipline the license of the individual.

26 Any person whose license was granted, continued,  
27 reinstated, renewed, disciplined, or supervised subject to  
28 such terms, conditions, or restrictions and who fails to  
29 comply with such terms, conditions, or restrictions shall be  
30 referred to the Director for a determination as to whether  
31 the person shall have his or her license suspended  
32 immediately, pending a hearing by the Department.

33 In instances in which the Director immediately suspends a  
34 person's license under this Section, a hearing on that

1 person's license must be convened by the Department within 15  
2 days after the suspension and completed without appreciable  
3 delay. The Department shall have the authority to review the  
4 subject person's record of treatment and counseling regarding  
5 the impairment, to the extent permitted by applicable federal  
6 statutes and regulations safeguarding the confidentiality of  
7 medical records.

8 A person licensed under this Act and affected under this  
9 Section shall be afforded an opportunity to demonstrate to  
10 the Department that he or she can resume practice in  
11 compliance with acceptable and prevailing standards under the  
12 provisions of his or her license.

13 (Source: P.A. 89-61, eff. 6-30-95.)

14 (225 ILCS 37/56 new)

15 Sec. 56. Unlicensed practice; violation; civil penalty.

16 (a) Any person who practices, offers to practice,  
17 attempts to practice, or holds himself or herself out to  
18 practice environmental health without being licensed under  
19 this Act shall, in addition to any other penalty provided by  
20 law, pay a civil penalty to the Department in an amount not  
21 to exceed \$5,000 for each offense as determined by the  
22 Department. The civil penalty shall be assessed by the  
23 Department after a hearing is held in accordance with the  
24 provisions set forth in this Act regarding the provision of a  
25 hearing for the discipline of a licensee.

26 (b) The Department has the authority and power to  
27 investigate any and all unlicensed activity.

28 (c) The civil penalty shall be paid within 60 days after  
29 the effective date of the order imposing the civil penalty.  
30 The order shall constitute a judgment and may be filed and  
31 execution had thereon in the same manner as any judgment from  
32 any court of record.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".